



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on January 4, 2005

Date of Meeting: December 6, 2004

The Mayor and Council of the City of Tucson met in regular session in the Mayor and Council Chambers in City Hall, 255 West Alameda Street, Tucson, Arizona, at 5:35 p.m. on Tuesday, December 6, 2004, all members having been notified of the time and place thereof.

1. ROLL CALL

The meeting was called to order by Mayor Walkup and upon roll call, those present and absent were:

Present:

José J. Ibarra	Council Member Ward 1
Carol W. West	Council Member Ward 2
Kathleen Dunbar	Council Member Ward 3
Shirley C. Scott	Council Member Ward 4
Steve Leal	Council Member Ward 5
Fred Ronstadt	Vice Mayor, Council Member Ward 6
Robert E. Walkup	Mayor

Absent/Excused: None

Staff Members Present:

James Keene	City Manager
Michael Rankin	City Attorney
Veronica Sainz	Deputy City Clerk
Mike Letcher	Deputy City Manager

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Reverend Dan Hurlbert, Desert Skies United Methodist Church, after which the pledge of allegiance was presented by Boy Scout Pack 251.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Walkup announced that City Manager's communication number 659, dated December 6, 2004, would be received into and made a part of the record. He also announced that this was the time scheduled to allow members of the Mayor and Council to report on current events and asked if there were any reports.

- a. Council Member West invited everyone to attend the dedication of the Udall Senior Center at 11:00 a.m. on Friday, December 10, 2004.
- b. Council Member Dunbar urged everyone to support Zoolights and check out the Ward 3 Neighborhood Tree on display.
- c. Council Member Scott invited everyone to the Ward 4 sponsored TROOPS (Thanks and Recognition of Our Overseas Personnel Serving) on Tuesday, December 7, 2004, at the Santa Rita High School Football Field. This event was in conjunction with KGUN 9's "Phone Home" efforts to secure donations for phone cards for troops serving overseas.
- d. Council Member West congratulated Council Member Scott for her recent appointment as Chair of the National League of Cities Subcommittee on Community and Economic Development.
- e. Vice Mayor Ronstadt announced the Ward 6 office would be a drop-off location for the diaper drive.
- f. Mayor Walkup read a proclamation from Phoenix Mayor, Phil Gordon, proclaiming December 3, 2004, as "Tucson Day" in Phoenix.

4. CITY MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS

Mayor Walkup announced that City Manager's communication number 660, dated December 6, 2004, would be received into and made a part of the record. He asked for the City Manager's report.

City Manager James Keene announced:

- a. Sun Tran and KGUN 9 television had once again joined forces to help the Salvation Army's Christmas Angel Program. Last Friday, December 3, 2004, the Stuff-The-Bus campaign netted nearly a thousand toys and clothes for the Christmas Angel Program. The toy and clothing drive would continue this Friday,

December 10, 2004, outside Sam Levitz Furniture at Broadway and Pantano. Donation times were 6:00 a.m. to 6:00 p.m.

- b. On Thursday, December 9, 2004, the Tucson-Mexico Trade Office will be holding their 6th Annual Awards Luncheon at the Radisson.
- c. National Digital Cities 2004 Survey ranked Tucson #2 for Cities greater than 250,000. This ranking placed Tucson ahead of cities such as Phoenix, Los Angeles, and Washington D.C.

5. LIQUOR LICENSE APPLICATIONS

Mayor Walkup announced that City Manager's communication number 658, dated December 6, 2004, would be received into and made a part of the record. He asked the Deputy City Clerk to read the liquor license agenda.

Veronica Sainz, Deputy City Clerk, announced that under Item 5b there were two requests for new applications. Both carried recommendations for approval and no protests had been filed.

b. New License(s)

- | | | |
|----|--|---|
| 1. | TONY ROMA'S ORACLE
4620 N. Oracle Road
Applicant: Kenneth D. Elder
City #087-04, Ward 3
Series #12
Action must be taken by: December 16, 2004 | Staff Recommendation

Police: In Compliance
DSD: In Compliance
Revenue: In Compliance |
| 2. | TONY ROMA'S KOLB
750 N. Kolb Road
Applicant: Kenneth D. Elder
City #088-04, Ward 2
Series #12
Action must be taken by: December 16, 2004 | Staff Recommendation

Police: In Compliance
DSD: In Compliance
Revenue: In Compliance |

It was moved by Council Member West, duly seconded, and passed by a voice vote of 7 to 0, that liquor license applications 5b1 and 5b2 be forwarded to the Arizona State Liquor Board with a recommendation for approval.

6. CONSENT AGENDA ITEMS A THROUGH D

Mayor Walkup announced that the reports and recommendations from the City Manager on the consent agenda items would be received into and made a part of the record. He asked the Deputy City Clerk to read the consent agenda.

A. GRANT: SUB-AGREEMENT WITH CATHOLIC COMMUNITY SERVICES FOR THE OPERATION OF THE ADELANTE VEHICLE PURCHASE PROGRAM

1. Report from City Manager DEC6-04-663 CITY-WIDE
2. Resolution No. 19977 relating to grants; approving and authorizing execution of a Sub-Agreement between the City of Tucson and Catholic Community Services for the pass-through of Federal Transit Administration (FTA) Job Access and Reverse Commute (JARC) grant monies to fund the operation of the Adelante Vehicle Purchase Program; and declaring an emergency.

B. TRANSPORTATION: RENAMING THE NEW CIENEGA ROAD BETWEEN HOUGHTON ROAD AND COLOSSAL CAVE ROAD "MARY ANN CLEVELAND WAY"

1. Report from City Manager DEC6-04-662 W4
2. Ordinance No. 10090 relating to transportation; renaming the new Cienega Road as "Mary Ann Cleveland Way"; and declaring an emergency.
Item B was considered separately at the request of Council Member Scott.

C. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY REGARDING THE HOME PROGRAM

1. Report from City Manager DEC6-04-656 CITY-WIDE
2. Resolution No. 19978 relating to community services; authorizing and approving the execution of an Intergovernmental Agreement between the City of Tucson and Pima County for renewal of the Sub-Recipient Agreement for the purpose of participating in the federally funded HOME Program; and declaring an emergency.

D. TUCSON CODE: AMENDING (CHAPTER 22) TUCSON SUPPLEMENTAL RETIREMENT SYSTEM REGARDING PURCHASE OF PRIOR GOVERNMENT SERVICE

1. Report from City Manager DEC6-04-666 CITY-WIDE
2. Ordinance No. 10093 relating to Pensions, Retirement and Group Insurance; amending the Tucson Code, Chapter 22 Pension, Retirement and Group Insurance, Article III Tucson Supplemental Retirement System, Section 22-49 Purchase of prior government service; and declaring an emergency.

Mayor Walkup asked the council's pleasure.

It was moved by Council Member Dunbar, duly seconded, that Consent Agenda Items A through D, with the exception of Item B, which would be considered separately, be passed and adopted and the proper action taken.

Mayor Walkup asked if there was any discussion. There was none.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Dunbar, Scott and Leal;
Vice Mayor Ronstadt and Mayor Walkup

Nay: None

Consent Agenda Items A through D, with the exception of Item B, were declared passed and adopted by a roll call vote of 7 to 0.

B. TRANSPORTATION: RENAMING THE NEW CIENEGA ROAD BETWEEN HOUGHTON ROAD AND COLOSSAL CAVE ROAD "MARY ANN CLEVELAND WAY"

Veronica Sainz, Deputy City Clerk, announced that Council Member Scott asked for this item to be considered separately.

Mayor Walkup recognized Council Member Scott.

Council Member Scott presented a road sign to Ms. Cleveland which read "Mary Ann Cleveland Way" for her work in getting a road to Cienega High School in the Vail School District. Many of the students who attend this high school live in Rita Ranch and Ms. Cleveland put her heart and soul into getting this road passed. The Vail School District Board and the Student Council voted on this and said yes. The Mayor and Council voted and supported the road. To recognize this Council Member Scott and Mayor Walkup wanted to show the public that the road was referred to as many other different names. This road was renamed to the Mary Ann Cleveland Way because she got her Way for the kids. Council Member Scott thanked her for her work.

Mary Ann Cleveland stated that she was sure that the Mayor and Council were tired of hearing from her but she wanted to thank them for all their support regarding Cienega Road.

Council Member Scott reminded her that it was not Cienega Road now.

Ms. Cleveland thanked the Mayor and Council and the Vail School District for that honor. She said that it was an honor for her. The focus and

challenge was to get the road for the kids and she was happy that they ended up with that.

It was moved by Council Member Scott, duly seconded, that consent agenda Item B be passed and adopted and the proper action taken.

Mayor Walkup asked if there was any discussion. There was none.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Dunbar, Scott and Leal;
Vice Mayor Ronstadt and Mayor Walkup

Nay: None

Consent agenda Item B was declared passed and adopted by a roll call vote of 7 to 0.

7. CALL TO THE AUDIENCE

Mayor Walkup announced that this was the time any member of the public was allowed to address the Mayor and Council on any issue except for any items scheduled for a public hearing. Speakers would be limited to three-minute presentations. He said there were a number of speakers.

- a. Michael Toney addressed the Mayor and Council and unveiled his model for "Space Oasis".
- b. Walt Staton thanked the Mayor and Council for the level of security for the Free Trade Conference held at the Tucson Convention Center, but commented on the perceived lack of hospitality.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Walkup stated that he would like to go back to an earlier item: Mayor and Council Report: Summary of Current Events.

- g. Mayor Walkup reported on activities associated with the Free Trade Conference that was held at the Tucson Convention Center including a reception at the Desert Museum for four hundred attendees where eleven keys to the City were presented to various delegates of the Latin American community.

8. MAYOR AND COUNCIL: SELECTION OF A VICE-CHAIR

Mayor Walkup announced that City Manager’s communication number 661, dated December 6, 2004, would be received into and made a part of the record. He asked the Deputy City Clerk to read Resolution 19972 by number and title only.

Resolution No. 19972 relating to the Vice-Chair of the Mayor and Council; selecting a Vice-Chair; and declaring an emergency.

It was moved by Council Member Ibarra, duly seconded, to pass and adopt Resolution 19972, inserting the name of Steve Leal as Vice Chair.

Substitute motion by Vice Mayor Ronstadt, duly seconded, to pass and adopt Resolution 19972, inserting the name of Kathleen Dunbar as Vice Chair.

Mayor Walkup asked for a roll call on the substitute motion.

Upon roll call, the results were:

Aye: Council Members West and Dunbar; Vice Mayor Ronstadt and Mayor Walkup

Nay: Council Members Ibarra, Scott and Leal

Resolution 19972 was declared passed and adopted by a roll call vote of 4 to 3, inserting the name of Kathleen Dunbar as Vice Chair.

For the purpose of the emergency clause and that purpose only, Mayor Walkup called for the roll call vote.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Dunbar, Scott and Leal; Vice Mayor Ronstadt and Mayor Walkup

Nay: None

Resolution 19972 was declared passed and adopted by a roll call vote of 7 to 0, with the emergency clause.

9. ZONING: (SE-04-14) TUCSON BOTANICAL GARDENS – ALVERNON WAY R-1 AND R-2 ZONING, SPECIAL EXCEPTION LAND USE, CITY MANAGER’S REPORT AND ORDINANCE ADOPTION

Mayor Walkup announced that City Manager’s communication number 664, dated December 6, 2004, would be received into and made a part of the record. He stated that this was a request to allow expansion of an existing cultural use for property located

on the east side of Alvernon Way south of Grant Road. The preliminary development plan proposed the addition of new office, research and storage space. He said that the Zoning Examiner and the City Manager recommend approval, subject to certain conditions.

Mayor Walkup asked if the applicant or a representative was present and if the applicant was aware of and agreeable to the proposed requirements.

The applicant indicated he was agreeable to the proposed requirements.

Mayor Walkup asked the Deputy City Clerk to read Ordinance 10091 by number and title only.

Ordinance No. 10091 relating to zoning; a special exception land use – cultural use – Tucson Botanical Gardens – Alvernon Way – east side of Alvernon Way, approximately 600 feet south of Grant Road, running through the block to Sycamore Avenue; approving with conditions the expansion of the site by incorporating two adjacent residential lots along Sycamore Avenue, and the construction of 11,294 square feet of new office, research and storage space in addition to the existing 10,196 square feet of buildings on the site in the R-1 and R-2 zones – case SE-04-14; and setting an effective date.

Mayor Walkup asked the council’s pleasure.

Motion by Vice Mayor Ronstadt, duly seconded, to pass and adopt Ordinance 10091 approving the request as presented.

Mayor Walkup asked for a roll call on the motion.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Dunbar, Scott and Leal;
Vice Mayor Ronstadt and Mayor Walkup

Nay: None

Ordinance 10091 was declared passed and adopted by a roll call vote of 7 to 0.

10. ZONING: (SE-04-11) ALLTEL – RILLITO RACETRACK RX-1 ZONING, SPECIAL EXCEPTION LAND USE, CITY MANAGER’S REPORT AND ORDINANCE ADOPTION

Mayor Walkup announced that City Manager’s communication number 665, dated December 6, 2004, would be received into and made a part of the record. He stated that this was a request to allow a communications use for property located on the east side of First Avenue, north of the Rillito River. The preliminary development plan

proposed a sixty-three foot tall wireless communications tower. He said that the Zoning Examiner and the City Manager recommend approval subject to certain conditions.

Mayor Walkup asked if the applicant or a representative was present and if the applicant was aware of and agreeable to the proposed requirements.

The applicant indicated he was agreeable to the proposed requirements.

Mayor Walkup asked the Deputy City Clerk to read Ordinance 10092 by number and title only.

Ordinance No. 10092 relating to zoning; a special exception land use – communication use – Alltel – Rillito Racetrack – east side of First Avenue, north of the Rillito River; approving with conditions the construction of a 63 foot tall cellular tower in the RX-1 zone – case SE-04-11; and setting an effective date.

Mayor Walkup asked the council's pleasure.

Motion by Council Member Dunbar, duly seconded, to pass and adopt Ordinance 10092 approving the request as presented.

Mayor Walkup asked for a roll call on the motion.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Dunbar, Scott and Leal;
Vice Mayor Ronstadt and Mayor Walkup

Nay: None

Ordinance 10092 was declared passed and adopted by a roll call vote of 7 to 0.

11. APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

Mayor Walkup announced that City Manager's communication number 657, dated December 6, 2004, would be received into and made a part of the record. He asked if there were any personal appointments.

There were none.

12. NONRESIDENTIAL DEVELOPMENT: EXTENDING THE PHASING IN PERIOD FOR ASSESSMENT AND PAYMENT OF IMPACT FEES

Mayor Walkup announced that City Manager's communication number 667, dated December 6, 2004, would be received into and made a part of the record. He asked the Deputy City Clerk to read Ordinance 10095 by number and title only.

Ordinance No. 10095 relating to development impact fees for roads and parks; amending Ordinance 10053 to amend Section 23A-86(2) of the Tucson Code; extending phase-in period for assessment and payment of impact fees on nonresidential development; and declaring an emergency.

Mayor Walkup recognized Council Member Leal.

Council Member Leal said that a couple of weeks ago, when the Mayor and Council had the impact fee issue before them, he had significantly modified all aspects of it. One of the parts that was dealt with was tightening up the timetable for impact fees on commercial properties. At the time, it was three years at zero and then seven years at fifty percent and he had thought that was altogether untenable. He proposed to modify that to be one and a half years at zero and one and a half years at fifty percent. Realizing that the timetable on how commercial actually comes forward, not only by itself but also in relationship to the timetable within the context of residential, he thought that was too tight a time period. It seems that a three year period of zero collection and a three year period at fifty percent, after which it would be at full cost in terms of fee extraction, would be a better relationship, not only for commercial but in relationship to residential.

Motion by Council Member Leal, duly seconded, to pass and adopt Ordinance 10095 to achieve this.

Mayor Walkup asked if there was any discussion on this item. He recognized Council Member Scott.

Council Member Scott asked if there was a citizens committee that was involved with the process and were they engaged in this amendment or change in any way. She said that she thought that there were some citizens who were debating this and came up with their initial recommendation, and she thought the council had adopted what they had said and then it was modified, and she asked if they were included again as part of the process.

Mayor Walkup asked who wanted to answer the question and then recognized Vice Mayor Ronstadt.

Vice Mayor Ronstadt said he could respond to the question. He was thankful to Council Member Leal for making the motion, but for the record he knew that from the Mayor's Office Andrew Greenhill, Council Member West and Vice Mayor Ronstadt went back to the commercial folks who were involved in the public process and they negotiated this. He thought that the Council recognized that the initial recommendation was a little excessive. When the Council voted on impact fees, the Council was able to get the impact fees through which was the main goal with the notion that they were going to go back and look at the reasonableness of the commercial phasing. It was based on the public discussion that occurred when the commercial developers and Council Member West, Vice Mayor Ronstadt, and the Mayor's Office actually negotiated this resolution.

Mayor Walkup said that he could add to that. Council Member Leal and Mayor Walkup had considerable discussion about the virtues of what this community was looking forward to and already has in place, and he appreciated Council Member Leal's good conscience on adjusting that to a more reasonable number.

Mayor Walkup asked for a roll call on the motion.

Upon roll call, the results were:

Aye: Council Members West, Dunbar, Scott and Leal;
Vice Mayor Ronstadt and Mayor Walkup

Nay: Council Member Ibarra

Ordinance 10092 was declared passed and adopted by a roll call vote of 6 to 1.

13. ADJOURNMENT: 6:15 p.m.

Mayor Walkup announced that the council would stand adjourned until its next regularly scheduled meeting to be held Monday, December 13, 2004 at 5:30 p.m., in the Mayor and Council Chambers, City Hall, 255 W. Alameda, Tucson, Arizona.

MAYOR

ATTEST:

CITY CLERK

CERTIFICATE OF AUTHENTICITY

I, the undersigned, have read the foregoing transcript of the meeting of the Mayor and Council of the City of Tucson, Arizona, held on the 6th day of December, 2004, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

KSD:bp/cf